

**\*E-FILED\***  
**March 13, 2009**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RICHARD ELDRIDGE, an individual, on behalf  
of himself and all others similarly situated,  
Plaintiff,

No. 5:08 CV 1014 HRL (RS)

v.

**SETTLEMENT CONFERENCE ORDER**

ELECTRONIC ARTS, INC., a Delaware  
corporation,

Defendant.

DIANNA CORTEZ, an individual, on behalf of  
herself and all others similarly situated,

Plaintiff,

v.

ELECTRONIC ARTS, INC., a Delaware  
corporation,

Defendant.

ALEX MCQUOWN, an individual, on behalf of  
himself and all others similarly situated,

Plaintiff,

v.

ELECTRONIC ARTS, INC., a Delaware  
corporation,

Defendant.

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2 TO ALL PARTIES AND COUNSEL OF RECORD:

3 The above matter was referred to Magistrate Judge Richard Seeborg for Settlement  
4 Conference. You are hereby notified that the conference is scheduled for **March 20, 2009, at 9:30**  
5 **a.m.** in Courtroom 4, United States Courthouse, 280 S. First Street, San Jose, California.

6 **Lead trial counsel** shall appear at the Settlement Conference with the parties and with the  
7 person or persons having **full authority** to negotiate and to settle the case. In all cases in which a  
8 party is insured, the carrier's claims representative and attorney, if any, with **full authority** to  
9 negotiate up to the limits of coverage shall also attend the Settlement Conference.

10 Personal attendance by counsel will not be excused under any circumstances and personal  
11 attendance by a party will rarely be excused. Permission for a party to attend by telephone may be  
12 granted upon written request made at least ten (10) calendar days in advance of the conference, if the  
13 party lives and works outside of the Northern District of California and attendance would constitute  
14 a hardship. The nature of the hardship must be explained. A copy of the written request must be  
15 served on all other parties. Any objection to the request must be submitted within forty-eight (48)  
16 hours of receipt. Both the request and objection may be submitted in letter form either by mail or  
17 facsimile to 408/535-5354. If telephone attendance is allowed, the party must be available  
18 throughout the entire conference.

19 No later than three (3) calendar days before the Settlement Conference, each party shall  
20 submit a Settlement Conference Statement to Magistrate Judge Seeborg in camera. The original  
21 Settlement Conference Statement (no copies are necessary) shall be placed in a sealed envelope,  
22 clearly marked "Confidential: Settlement Conference Statement; Attn: Clerk for Magistrate Judge  
23 Seeborg," and lodged with the Clerk's office, Room 2112 on the second floor of the United States  
24 Courthouse, 280 South First Street, San Jose, California. The clerk will forward the Settlement  
25 Conference Statement to Magistrate Judge Seeborg's chambers. The Settlement Conference  
26 Statement shall not be filed with the Court nor are the parties required to serve the Statement upon  
27 the other parties or their counsel.

1 The form and content of the Settlement Conference Statement may vary depending upon the  
2 nature of the case, the stage of the proceedings or timing of the conference, and economic  
3 considerations. Generally, the Settlement Conference Statement should include the following  
4 information:

5 1. Statement of Facts. A brief description of the substance of the claims and defenses  
6 presented.

7 2. Summary of Proceedings. A brief list of the motions previously made, the dispositions  
8 thereof, and any motions pending resolution.

9 3. Undisputed Matters. A plain and concise statement of all material facts not reasonably  
10 disputable.

11 4. Issues of Fact. A plain and concise statement of the major factual issues in dispute.

12 5. Issues of Law. A brief statement of the disputed points of law with respect to liability and  
13 damages with reference to statutes and decisions relied upon. Extended legal argument is not  
14 necessary. Reference may be made to memoranda and points and authorities previously filed.

15 6. Relief Sought. A statement of the relief claimed, including a particularized itemization of  
16 all elements of damages.

17 7. Prior Settlement Discussions. A summary of prior settlement activity between the parties,  
18 including settlement offers and responses thereto.

19 8. Litigation Costs. A brief statement of the approximate litigation costs to date and the  
20 estimated cost and time projected for further discovery, pretrial proceedings and trial.

21 9. Settlement Analysis. A brief and forthright evaluation of the strengths and weaknesses of  
22 your case and the probabilities of prevailing on the major issues in dispute.

23 10. Discrete Issues. Are there any discrete issues affecting the parties which, if resolved,  
24 would aid in the disposition of the case.

25 11. Current Settlement Position. Set forth a reasonable proposal of settlement.

26 Parties are encouraged to participate and frankly discuss their case. Statements they make  
27 during the conference will not be admissible at trial to prove or disprove liability in the event the  
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1 case does not settle. The parties should be prepared to discuss such items as their settlement  
2 objectives, any impediments to settlement that they perceive, whether they have enough information  
3 to discuss settlement and, if not, what additional information is needed and the possibility of a  
4 creative resolution of the dispute.

5 Any request to continue the Settlement Conference shall be submitted in writing as soon as  
6 possible after consultation with the opposing party. Submission by facsimile is acceptable at  
7 facsimile number 408/535-5354.

8 The parties shall notify Magistrate Judge Seeborg's Chambers **immediately** at 408/535-5357  
9 if this case settles prior to the date set for Settlement Conference.

10 **IT IS SO ORDERED.**

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13 Dated: March 13, 2009

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15 /s/ Richard Seeborg  
16 RICHARD SEEBORG  
17 United States Magistrate Judge  
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